

La Plata Planning Commission  
Town Hall, La Plata, Maryland  
Regular meeting  
November 2, 2004, 7:00 PM

Present: Chairman C. Keith Back, Garyton C. Echols, Jr., Keith A. Hettel, Robert W. Thompson, Zakary A. Krebeck, Roy G. Hale – Commission members; Cathy Flerlage, Director of Planning and Zoning; Judith T. Frazier, Town Clerk

Town staff: Patricia L. Bembe, Assistant Town Manager; Carol L. Rollins, Administrative Assistant; Steven F. Schroeder, Project Manager

Guests: (see roster)

Minutes:

Chairman Back called the meeting to order at 7:00 PM, read the agenda and asked Mr. Hale to lead the Commission and audience in reciting the Pledge of Allegiance.

#### Approval of October minutes

Mr. Echols made a motion to approve the minutes of the October regular meeting. Mr. Thompson seconded the motion and it passed by unanimous vote.

#### Public hearing: Ordinance 04-13 Sign Regulations

Ms. Bembe noted that the Town Council heard the concerns and comments of the business community, met in work sessions, and proposed the amendments contained in Ordinance 04-13. Ms. Bembe read the “Highlights of Ordinance 04-13”, a handout which was included in the Commission members’ meeting packets.

Chairman Back called the hearing to order. Ms. Flerlage advised that the hearing notice was advertised in the October 15, 2004 edition of the Maryland Independent.

Chairman Back asked if anyone in the audience wished to speak for or against the ordinance.

Wayne Winkler, 214 Washington Avenue, advised he felt the current amendments address the concerns and comments expressed by the business community, and that he believes this ordinance is business friendly.

There being no other speakers and no further discussion by the Commission, Chairman Back closed the hearing.

Recommendation: Ordinance 04-13

During the discussion which followed, the Planning Commission expressed the following concerns:

1. Window signs: The concern is that big stores with large glass areas could have an excessive amount of window signage, even with the 20% of glass area limit. A cap is needed on the amount of window signage.

2. Sandwich board signs: (1) Clarify where they are allowed. The ordinance states they shall be allowed on-site, but also includes text which indicates they may be in the public right-of-way. (2) Since no permit is required, well defined text is needed to describe what is allowed. It was suggested that examples be included of what is allowed and what is not allowed. The text should be well written so it is not open to interpretation. It was suggested that the description and examples be included in a handout to be given to the business community so they are made aware of the information.

Chairman Back asked for a motion regarding the Planning Commission's recommendation to the Town Council. Mr. Hettel made a motion that the Planning Commission recommend that the Town Council approve Ordinance 04-13 with the concerns expressed by the Planning Commission being addressed:

1. Impose a cap on the amount of window signage.
2. Clarify where sandwich board signs are allowed.
3. Provide well defined text describing acceptable sandwich boards, written so as to not be open to interpretation. Include examples of what is allowed and what is not allowed. Include the description and examples in handouts to be given to the business community.

Mr. Thompson seconded the motion and it passed by unanimous vote.

Unfinished business

Recommendation: Ordinance 04-10

Ms. Flerlage provided a brief description of the proposed amendments resulting from the comments and concerns expressed by the Planning Commission at their October 5 meeting. The Commission members agreed on minor punctuation and text corrections: remove the comma after "size", remove the word "depth", and remove the comma after "width" from the phrase "...ADJACENT TO COMMON OPEN SPACE OF APPROPRIATE SIZE, ~~DEPTH~~ AND CHARACTER (MINIMUM 30' WIDTH);...". The recommended amendments are as follows:

**Amendment No. 1**

On page 2, line 33, immediately after "FEET, OR", insert "AS MAY BE REDUCED"; on line 34, immediately after "DISCRETION OF THE", strike "ZONING ADMINISTRATOR, MAY BE REDUCED TO," and insert "PLANNING COMMISSION PRIOR TO

PRELIMINARY PLAT APPROVAL. THE PLANNING COMMISSION MAY REDUCE THE REAR YARD TO NO LESS THAN”;

on line 34, immediately after “FIVE FEET (5)”, insert “BASED ON A FINDING THAT THE YARD IS”;

on line 35, immediately before “ADJACENT TO”, strike “IF”;

on line 35, immediately after “SIZE”, strike “, DEPTH”;

and on line 36, immediately after “CHARACTER”, insert “(MINIMUM 30’ WIDTH) TO PROVIDE ADEQUATE USABLE SPACE FOR THE RESIDENTS.”, to read as follows:

(E) MINIMUM REAR YARDS: FIFTEEN (15) FEET, OR AS MAY BE REDUCED AT THE SOLE DISCRETION OF THE ZONING ADMINISTRATOR, MAY BE REDUCED TO PLANNING COMMISSION PRIOR TO PRELIMINARY PLAT APPROVAL. THE PLANNING COMMISSION MAY REDUCE THE REAR YARD TO NO LESS THAN FIVE (5) FEET BASED ON A FINDING THAT THE YARD IS ~~IF~~ ADJACENT TO COMMON OPEN SPACE OF APPROPRIATE SIZE, ~~DEPTH~~ AND CHARACTER (MINIMUM 30’ WIDTH) TO PROVIDE ADEQUATE USABLE SPACE FOR THE RESIDENTS.

**Amendment No. 2**

On page 2, line 47, immediately after “FEET, OR”, insert “AS MAY BE REDUCED”;

on line 48, immediately after “DISCRETION OF THE”, strike “ZONING ADMINISTRATOR, MAY BE REDUCED TO,” and insert “PLANNING COMMISSION PRIOR TO PRELIMINARY PLAT APPROVAL. THE PLANNING COMMISSION MAY REDUCE THE REAR YARD TO NO LESS THAN”;

on line 48, immediately after “FIVE FEET (5)”, insert “BASED ON A FINDING THAT THE YARD IS”;

on line 49, immediately before “ADJACENT TO”, strike “IF”;

on line 49, immediately after “SIZE”, strike “, DEPTH”;

and on line 50, immediately after “CHARACTER”, insert “(MINIMUM 30’ WIDTH) TO PROVIDE ADEQUATE USABLE SPACE FOR THE RESIDENTS”, to read as follows:

(E) MINIMUM REAR YARDS: FIFTEEN (15) FEET, OR AS MAY BE REDUCED AT THE SOLE DISCRETION OF THE ZONING ADMINISTRATOR, MAY BE REDUCED TO PLANNING COMMISSION PRIOR TO PRELIMINARY PLAT APPROVAL. THE PLANNING COMMISSION MAY REDUCE THE REAR YARD TO NO LESS THAN FIVE (5) FEET BASED ON A FINDING THAT THE YARD IS ~~IF~~ ADJACENT TO COMMON OPEN SPACE OF APPROPRIATE SIZE, ~~DEPTH~~ AND CHARACTER (MINIMUM 30’ WIDTH) TO PROVIDE ADEQUATE USABLE SPACE FOR THE RESIDENTS.

**Amendment No. 3**

On page 2, line 60, immediately after “FEET, OR”, insert “AS MAY BE REDUCED”;

on line 61, immediately after “DISCRETION OF THE”, strike “ZONING ADMINISTRATOR, MAY BE REDUCED TO,” and insert “PLANNING COMMISSION PRIOR TO PRELIMINARY PLAT APPROVAL. THE PLANNING COMMISSION MAY REDUCE THE REAR YARD TO NO LESS THAN”;

on line 61, immediately after “FIVE FEET (5)”, insert “BASED ON A FINDING THAT THE YARD IS”;  
on line 62, immediately before “ADJACENT TO”, strike “IF”;  
on line 62, immediately after “SIZE”, strike “, DEPTH”;  
and on line 63, immediately after “CHARACTER”, insert “(MINIMUM 30’ WIDTH) TO PROVIDE ADEQUATE USABLE SPACE FOR THE RESIDENTS”, to read as follows:

(E) MINIMUM REAR YARDS: FIFTEEN (15) FEET, OR AS MAY BE REDUCED AT THE SOLE DISCRETION OF THE ZONING ADMINISTRATOR, MAY BE REDUCED TO PLANNING COMMISSION PRIOR TO PRELIMINARY PLAT APPROVAL. THE PLANNING COMMISSION MAY REDUCE THE REAR YARD TO NO LESS THAN FIVE (5) FEET BASED ON A FINDING THAT THE YARD IS IF ADJACENT TO COMMON OPEN SPACE OF APPROPRIATE SIZE, DEPTH AND CHARACTER (MINIMUM 30’ WIDTH) TO PROVIDE ADEQUATE USABLE SPACE FOR THE RESIDENTS.

Mr. Thompson made a motion to approve the amendments as corrected. Mr. Hettel seconded the motion and it passed by unanimous vote.

Mr. Thompson made a motion to recommend that the Town Council adopt Ordinance 04-10 with the amendments recommended by the Planning Commission. Mr. Hettel seconded the motion and it passed by unanimous vote.

#### Other business

Cancellation of December meeting - The December meeting of the Planning Commission was cancelled to allow for relocation of the meeting room furniture to the new Town Hall.

Project updates - Chairman Back acknowledged and thanked Ms. Flerlage for the project updates handout provided in the Commission members’ meeting packets.

Request to Participate in Plans Review - Don McGuire, Director of Charles County Emergency Services Department, and Steve Shahan, Chief, La Plata Volunteer Fire Department, asked for the Planning Commission’s support of being provided copies of subdivision and building plans for review and comment prior to being approved by the Town. Following a brief discussion, the Commission agreed this should be added to the procedures checklist and that Ms. Flerlage should speak with the Town Manager to devise a procedure and bring it back before the Planning Commission, and then have it formalized by the Town Council. It was suggested that the Town place the onus on the developers to send the plans to the other agencies for their review.

Chief Shahan noted that some time in the past, he and the Town Manager discussed conducting a review of the Town’s building and fire codes. Chief Shahan suggested this be revisited.

Farewell to Mr. Thompson - The Commission acknowledged the pending departure of Mr. Thompson, who has submitted his resignation effective November 30, and thanked him for the skill and knowledge he shared with the Town during his service on the Planning Commission and the new Town Hall building committee.

Stagecoach Crossing – Noting that invitations and other information had also been mailed to each member, David Hrudá invited the Planning Commission to the charette which begins Wednesday evening.

There being no other business to discuss, the meeting adjourned at 8:10 PM.

Submitted by:

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Judith T. Frazier  
Town Clerk